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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE



THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION NUMBER 24265 OF 1990

Between:

1. Karnataka State Road
Transport Corporation
Central Offices
Bangalore 560 027
by its Chief Law Officer

2. The Deputy General Manager
and Divisional Controller
KSRTC, Gulbarga Division
Gulbarga

-Petitioners

(By Sri V. Mukunda Menon, Advocate)

And:

1. Sri Shankar
son of Medappa
PO Kankatti
Hunnabad
Bidar District

2. The Presiding Officer
Labour Court
Gulbarga

-Respondents

(By Sri K. Subbarao, Adv. for R-1;
Sri M. R. Shanthakumari, HCGP for R-2)

This writ petition is filed under Articles 226 and 227 of the Constitution of India seeking to quash the award dated 8-5-1990 at Annexure-D made by the Labour Court Gulbarga in Reference No.30 of 1987 in so far as it relates to setting aside of the order of dismissal of the first respondent and his reinstatement back into service as conductor but without back wages and without continuity of service from the date of dismissal till the date of reinstatement.

This writ petition coming on for hearing this day, the Court made the following:

ORDER

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O R D E R

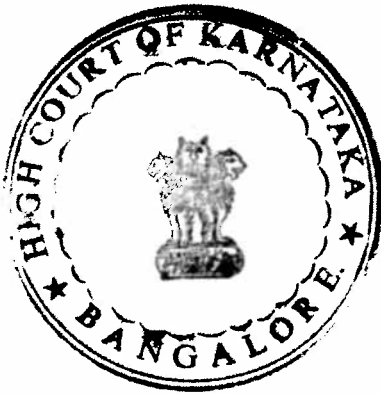
Ms. Shanthakumari, learned HCGP appears for the second respondent.

2. On the charge of possession of old tickets with an intention of re-issuing them, first respondent conductor in the petitioner KSRTC was proceeded against in a domestic enquiry and on proof of misconduct, he was dismissed from service. While adjudicating the industrial dispute raised by him in that regard, fairness of the domestic enquiry had been conceded by the workman, and the Labour Court, by the impugned award, has held the said charge as proved, but in place of punishment of dismissal from service, has substituted a lesser punishment of complete denial of back wages and denial of the benefit of continuity/service also, from the date of dismissal till the date of reinstatement. With this lesser punishment, first respondent is directed to be reinstated in service. Having regard to the charge proved, punishment of dismissal from service is disproportionate and there is no arbitrariness in the Labour Court acting under Section 11A of the Industrial

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Disputes Act, 1947 and in substituting the
lesser punishment as referred to above.

3. Writ Petition dismissed.



Sd/-
JUDGE